

DEPARTMENT OF HEALTH SERVICES
Safe Drinking Water State Revolving Fund

ENVIRONMENTAL REVIEW
PROCESS GUIDELINES

2003

DEPARTMENT OF HEALTH SERVICES
DIVISION OF DRINKING WATER AND ENVIRONMENTAL MANAGEMENT
SAFE DRINKING WATER STATE REVOLVING FUND PROGRAM

ENVIRONMENTAL REVIEW PROCESS GUIDELINES

PART I. PURPOSE

These guidelines detail the steps that must be taken by public agencies to comply with environmental review requirements when applying for Safe Drinking Water State Revolving Fund (SDWSRF) Program financial assistance administered by the Department of Health Services (DHS), Division of Drinking Water and Environmental Management (Division). These guidelines may also be helpful for applicants that are not *bona fide* public agencies if they are required to prepare an Initial Study or Environmental Impact Report (EIR). The most current version of this document can be found on the Internet at the following DHS website address:
http://www.dhs.ca.gov/ps/ddwem/SRF/environmental_review.htm.

Compliance with the Department's environmental review requirements is generally accomplished through compliance with the California Environmental Quality Act (CEQA). In addition, the SDWSRF Program is partially funded by the U.S. Environmental Protection Agency (EPA) and is therefore subject to compliance with the National Environmental Policy Act (NEPA). To comply with NEPA, the EPA established specific "NEPA-like" requirements in its Operating Agreement with DHS for administering the SDWSRF Program. These requirements are clearly emphasized in these guidelines and apply to all SDWSRF projects except those that will be using "non-equivalency" funding. "Non-equivalency" funding is the amount of funds equivalent to the state matching funds for the SDWSRF program. Projects involving systems with fewer than 1000 service connections and costing under \$500,000 are eligible for funding from non-equivalency funds. Projects using non-equivalency funds will not be subject to compliance with the "NEPA-like" requirements or the federal crosscutting environmental regulations. However, these projects are still subject to CEQA requirements, and must comply with the State Clearinghouse circulation requirements that apply when there is a state responsible agency.

Detailed requirements under CEQA are given in the CEQA Guidelines [California Code of Regulations (CCR), Title 14, Division 6, Chapter 3]. For information on how to obtain a copy of CEQA and the CEQA Guidelines contact the State Clearinghouse at (916) 445-0613. Information regarding CEQA and CEQA Guidelines can be found on the Internet at the following website address: <http://www.ceres.ca.gov/ceqa/>. The guidelines presented here are intended to supplement the CEQA Guidelines with specific requirements for environmental documents that will be acceptable to DHS when reviewing applications for SDWSRF funding; they are not intended to supersede or replace the CEQA Guidelines.

For SDWSRF projects, an applicant that is a public agency is usually the "Lead Agency" as defined under CEQA and will be responsible for the preparation, circulation and consideration of the environmental document prior to approving the project. DHS and other agencies having jurisdiction over the proposed project are usually "responsible agencies" under CEQA and are accountable for reviewing and considering the information in the environmental document prior to approving any portion of the project. When, as in this case, a state agency is a responsible agency, the environmental documentation must be circulated through the State Clearinghouse of the Governor's Office of Planning and Research.

Questions regarding SDWSRF environmental procedures and practices should be directed to the Division's Environmental Review Unit (ERU), at (916)323-6111. Questions regarding historical and archaeological review should be directed to the Division's Cultural Resources Officer (CRO) at (916) 323-6111. Documentation, forms, and notices referenced in this document, should be included with the SDWSRF application or sent to the following address:

Environmental Review Unit
Department Of Health Services
Division Of Drinking Water And Environmental Management
P.O. Box 942732
Sacramento, CA 94234-7320

PART II. DETAILED ENVIRONMENTAL REVIEW PROCESS

In the following procedures, all references to section numbers or appendices refer to the CEQA Guidelines except for Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the federal Endangered Species Act (ESA). If project construction begins before all of the following applicable components of the environmental review process have been completed, eligibility for SDWSRF funding may be jeopardized.

1. Environmental Compliance Schedule: Applicants do not have to have completed the required CEQA and "NEPA-Like" review process at the time of the SDWSRF application. If any portion of the process has not been completed, the applicant must complete and submit to DHS the worksheet entitled "Schedule Of Dates For Compliance With CEQA & "NEPA-Like" Requirements." If the environmental review process has not been completed at the time DHS issues a Notice of Application Acceptance (NOAA), the NOAA will be issued with conditions containing the outstanding compliance dates. The aforementioned schedule can be found on the Internet at the following DHS website address:
http://www.dhs.ca.gov/ps/ddwem/SRF/environmental_review.htm.
2. Exemptions: In some cases, SDWSRF projects may be approved under a statutory or categorical exemption from CEQA. Categorical Exemptions can only be used if none of the exceptions listed in the CEQA Guidelines apply. The

documentation listed in Table 1 is not required for exempt projects. All projects receiving "equivalency funding", even if exempt from CEQA, must include documentation for the federal crosscutting environmental regulations (Part IV) and an environmental evaluation of project alternatives including the "No Project" alternative (Part III, II.B.1) to meet "NEPA-like" requirements. After the applicant approves the project, it should file a Notice of Exemption with the County Clerk and provide a copy of the notice to DHS. To comply with SDWSRF requirements, the applicant must submit to DHS an "SDWSRF Worksheet for CEQA Exemptions" (Exemption Worksheet). The worksheet can be found on Internet at the following DHS website address:

http://www.dhs.ca.gov/ps/ddwem/SRF/environmental_review.htm.

3. Environmental Documentation: When an SDWSRF project is not exempt from CEQA, the applicant should prepare a Negative Declaration (or Mitigated Negative Declaration), which includes a supporting Initial Study, or an EIR pursuant to the current CEQA Guidelines requirements. The applicant may use a previously prepared document accompanied by a checklist used to determine if the project is adequately covered by the document. If the project is only partially covered by a previously prepared document or if the document is outdated, a Subsequent EIR, a Supplemental EIR, an Addendum to the Negative Declaration or EIR, or a Negative Declaration should be prepared. The applicant should contact the ERU at the number above before it decides to use an existing final document. All projects receiving "equivalency funding", regardless of the type of documentation prepared, must comply with the "NEPA-like" requirements described in the preceding Item 2.
4. State Clearinghouse Review: In addition to public notification and circulation, Draft EIRs and Negative Declarations must also be subjected to State Clearinghouse circulation for review by state agencies (Section 15205). Addenda and Notices of Exemption do not have to be sent to the State Clearinghouse. The applicant must send fifteen (15) copies of the EIR or Negative Declaration to the State Clearinghouse unless the State Clearinghouse approves a lower number in advance [Section 15205(e)]. The applicant may either use the standard "Notice of Completion and Environmental Document Transmittal Worksheet" included in the CEQA Guidelines (Appendix C) or develop a similar form to be used when submitting the documents. On the backside of the form, the applicant should put a check on any of the "REVIEWING AGENCIES" to which it would like draft documents sent (including "other: Department of Health Services"). Otherwise, the State Clearinghouse will select the appropriate review agencies. The first six items in Table 1 (page 6) should be sent to the DHS during the CEQA review period.

While the applicant is encouraged to contact the regional and district offices of state responsible agencies, it should not contact the Office of Historic Preservation or the State Historic Preservation Officer (SHPO). The Division's

CRO will consult with the SHPO on the applicant's behalf at appropriate times in the Section 106 process as required by regulations (Item 6).

To ensure that responsible agencies, including DHS, will receive copies of the environmental document for review, the applicant may send them directly to the agencies. This does not replace the requirement to submit environmental documents to the State Clearinghouse for distribution [Section 15205(f)].

5. Federal Coordination: If the project involves SDWSRF equivalency funds, the ERU will need to send copies of the environmental documentation directly to federally designated agencies as part of the "NEPA-like" process. In order for the ERU to do this, the applicant will need to submit six (6) copies of their draft or final CEQA document, or Exemption Worksheet to DHS. The CEQA document or Exemption Worksheet must include documentation for the federal crosscutting regulations (Part IV). Normally, one copy will be used for the ERU's review, one copy will be submitted to the CRO, and the other 4 copies will be distributed to appropriate federally designated agencies. The federally designated agencies must have at least forty-five (45) calendar days to review an EIR or thirty (30) calendar days to review a Negative Declaration. Six (6) days mailing time is also added to the review period which would then total fifty-one (51) or thirty-six (36) calendar days from the date the environmental document was mailed to the reviewing agency. If any of these agencies identify an issue of concern, the ERU will ask the applicant to provide the agency with the necessary information or take the appropriate actions to resolve the issue. Ideally, the federally designated agency review should be done concurrently with the CEQA review to allow all comments to be addressed at one time and prevent the need for supplemental documentation. However, federal coordination may also be initiated before or after CEQA review, but must be completed before construction begins to meet the "NEPA-like" requirements.
6. Endangered Species Consultation: DHS has been designated as the non-federal representative under the ESA for all projects in California that involve SDWSRF equivalency funds. To comply with Section 7 of the ESA, the ERU will review SDWSRF equivalency projects to determine if a project may affect any federally listed species. It is important that the applicant identifies any issues concerning sensitive species and notifies the ERU early in the planning stage. Using the documentation provided by the applicant (Part IV, Item 2), the ERU will confer informally with the U.S. Fish and Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS) as appropriate. If there are federally listed species that may be affected by a project, either directly or indirectly, the ERU will evaluate the extent of any impacts as part of its environmental review process and submit its findings to the FWS/NMFS for concurrence. If the ERU, in consultation with the FWS/NMFS, determines that the project is likely to affect a federally listed species, it will notify the EPA of the need to initiate formal consultation with the FWS/NMFS. The EPA will participate as lead agency in the formal consultation process. The time limit for formal consultation is 90 days with

extensions possible. The FWS/NMFS will have 45 days to prepare a biological opinion after formal consultation.

7. Cultural Resources Consultation: Applicants for SDWSRF equivalency funds are required to demonstrate to the satisfaction of the SHPO that the project complies with Section 106 of the NHPA. In order to avoid potential funding delays, the applicant is encouraged to contact the Division's CRO at the earliest stages of project planning to initiate the Section 106 process. The CRO will take into account the potential effects of the project on cultural resources, will apply the regulations implementing Section 106, and on this basis request the concurrence of the SHPO that the process has been completed satisfactorily. Please allow adequate review time for the CRO and the SHPO. After the ERU receives all necessary cultural resources documentation (Part IV, Item 1), the total review period for the CRO and the SHPO typically takes 45 days; however, if issues are not resolved during the initial review period, the review period may be reinitiated.
8. Public Participation: Public participation and review are essential to the CEQA process (Section 15087). Each public agency should include wide public involvement, formal and informal, consistent with its existing activities and procedures, in order to receive and evaluate public reactions to environmental issues related to its project. CEQA does not require formal public hearings during the environmental review process. However, the "NEPA-like" requirements necessitate at least one public hearing for an SDWSRF equivalency funded project involving significant impacts (i.e., projects involving an EIR). The applicant should also provide ample notice when formal meetings are scheduled. Public comments or controversies that are not addressed during the planning of a proposed project could result in the need for a subsequent environmental document at a later stage or lead to legal challenges, thus delaying the project and raising the cost significantly.
9. Comments: The ERU normally receives copies of all environmental documents for drinking water related projects that are circulated through the State Clearinghouse. The ERU will usually comment on any environmental document prepared for an SDWSRF project. Comments will routinely describe the special environmental review requirements of SDWSRF program, discuss the adequacy of the document for DHS consideration, and provide specific comments requiring the applicant's response or consideration.
10. Final Documentation: In addition to documentation submitted during the CEQA review period, the applicant must provide DHS with a copy of the certified Final EIR or adopted Negative Declaration, any comments and responses, the Mitigation Monitoring Plan for any mitigation measures, the Notice of Determination, and a resolution or similar document (Table 1). If the project is exempt from CEQA, the documentation submitted under Item 2 will be sufficient.

TABLE 1
CHECKLIST FOR ENVIRONMENTAL DOCUMENTATION
REQUIRED BY THE ENVIRONMENTAL REVIEW UNIT
FOR NON-EXEMPT SDWSRF PROJECTS
(Documentation requirements for equivalency projects only are in italics)

1.	CEQA documents - EIR or Negative Declaration- <i>6 copies for equivalency projects, 2 copies for non-equivalency projects</i>
2.	<i>Any biological reports or documents incorporated by reference (equivalency projects)</i>
3.	<i>Cultural resources reports, technical studies, correspondence, and other Section 106 compliance documentation – 3 copies (equivalency projects)</i>
4.	<i>The Notice of Intent for a Negative Declaration or the Notice of Availability for an EIR (equivalency projects)</i>
5.	<i>The Notice of Public Hearing (equivalency projects when EIR is prepared)</i>
7.	Final EIR or adopted Negative Declaration circulated through the State Clearinghouse – 2 copies if not included in Item 1 above
8.	Comments received during the CEQA review period including verbal comments received during the public hearing (Item 5), and the applicant's responses
9.	The adopted mitigation monitoring plan (when mitigation measures are included)
10.	The Notice of Determination filed with State Clearinghouse of the Governor's Office of Planning & Research
11.	The Resolution making CEQA findings for an EIR, including any Statements of Overriding Considerations

PART III. BASIC OUTLINE FOR CONTENT OF CEQA DOCUMENTS

In order to assist in the preparation of environmental documents for the applicant's project, the ERU has prepared this outline. The outline details project-specific information that must be disclosed, when applicable, in all environmental documents, including Initial Studies, prepared in conjunction with an application for SDWSRF funding administered by DHS. In addition, this outline provides a list of exemptions normally accepted by DHS for SDWSRF projects. This outline does not replace environmental documentation requirements contained in the CEQA Guidelines and does not cover all necessary components of the documents.

I. EXEMPTIONS

A. Categorical Exemption List

1. CCR Title 22, Section 60101

(a) Class 1: Existing facilities

(1) Addition, deletion, or modification of:

- Mechanical controls for:
 - > Water treatment units
 - > Water supply systems
 - > Pump station buildings
- Electrical controls for:
 - > Water treatment units
 - > Water supply systems
 - > Pump station buildings
- Hydraulic controls for:
 - > Water treatment units
 - > Water supply systems
 - > Pump station buildings

(b) Maintenance, repair, replacement, or reconstruction to any water treatment process units, including:

- (1) Structures
- (2) Filters
- (3) Pumps
- (4) Chlorinators

(c) Class 2: Replacement or reconstruction

(1) Repair or replacement of:

- Water service connections
- Meters
- Valves for:
 - > Backflow prevention
 - > Air release
 - > Pressure regulation
 - > Shut-off

- > Blow-off
 - > Flushing
- (2) Replacement or reconstruction of:
 - Existing water supply distribution lines of substantially the same size
 - Storage tanks and reservoirs of substantially the same size
- (3) Replacement or reconstruction of:
 - Water wells of substantially the same capacity
 - Pump stations and related appurtenances of substantially the same capacity
- (d) Class 3: New Construction of Small Structures
 - (1) Construction of water supply and distribution lines of less than sixteen inches in diameter, and related appurtenances
 - (2) Construction of any water storage tanks and reservoirs of less than 100,000-gallon capacity
- (e) Class 4: Minor alterations to land
 - (1) Minor alterations to land, water or vegetation on any officially existing designated wildlife management areas or fish production facilities for the purpose of reducing the environmental potential for nuisances or vector production
 - (2) Any minor alterations to highway crossing for water supply and distribution lines

B. Statutory Exemptions CCR, Title 14

1. Emergency Exemptions Section 15269
 - (a) Declared emergency
 - (b) Emergency repairs
 - (c) Emergency prevention/mitigation
2. Right Of Way Pipelines Of Less Than One Mile (CCR, Title 14, Sec 15282 (l))
3. Water Fluoridation Facilities (CCR, Title 14, Sec 15282 (n))

II. INITIAL STUDIES AND ENVIRONMENTAL IMPACT REPORTS

A. Project Description

1. Objectives: Drinking Water Problems that Qualify the Project for SDWSRF funding
2. Project Location
 - (a) Description of the precise location and boundaries
 - (b) Location map
 - (1) Project site

- (2) Service area
 - (c) Site map(s)
 - (1) Existing Facilities
 - (2) New facilities
 - (3) Staging areas
 - (4) Water sources
 - (5) Pipeline Alignments
 - 3. Project Construction (including modifications and removal)
 - (a) Facilities (Give physical dimensions)
 - (1) Treatment facilities
 - (2) Storage facilities
 - (3) Appurtenant structures
 - (b) Water Supply (Describe and give capacities)
 - (1) Surface Water Diversion Structures
 - (2) Groundwater Wells
 - (c) Conveyance/Distribution systems
 - (d) Staging areas
 - (e) Access roads
 - (f) Parking areas
 - (g) Construction methods
 - (h) Scheduling
 - 4. Proposed Operation of the Water System
 - (a) Water source
 - (b) Treatment
 - (c) Distribution
 - (d) Use of hazardous substances
 - 5. Capacity Increases
 - (a) Current capacity
 - (b) Proposed capacity for:
 - (1) Existing development
 - (2) New development
 - 6. Related Projects
 - (a) Projects in the same area
 - (b) Future phases of the project
 - 7. Project Approvals: Roles of planning and regulatory agencies that have permit or funding authority over the proposed project
- B. Project Alternatives (For EIRs and all SDWSRF equivalency funded projects)
- 1. Types Of Alternatives
 - (a) Alternative Locations
 - (1) Site location
 - (2) Facility location on the site
 - (3) Pipeline alignments
 - (b) Alternative Designs

- (1) Treatment Processes
 - (2) Method of Conveyance
 - (c) Alternative Water Sources
 - (d) Alternative Projects That Could Accomplish The Project Objectives (Examples)
 - (1) Recycled water projects
 - (2) Upgrade of existing facilities
 - (3) Consolidation
 - (e) No Project Alternative (Must be included)
- 2. Alternative Criteria
 - (a) Feasible
 - (b) Reasonable
 - (c) Accomplish the basic purposes of the project
 - (d) Avoid or substantially lessen significant effects
- 3. Comparison Of Environmental Impacts
- 4. Reasons For Rejection For Each Alternative
- 5. Identification Of The Environmentally Superior Alternative (If the “no project” alternative is not the environmentally superior alternative)

C. Environmental Setting

- 1. Consideration
 - (a) Project site
 - (b) Water sources
 - (c) Staging areas
 - (d) Surrounding area
 - (e) Affected service area
- 2. Description
 - (a) Land use and zoning
 - (b) Scenic attributes
 - (c) Topography
 - (d) Geology and soils
 - (e) Climate
 - (f) Air quality
 - (g) Habitat
 - (h) Surface Water features
 - (i) Groundwater characteristics (If affected by project)
 - (1) Depth
 - (2) Quality

D. Direct And Indirect Impacts

- 1. Consideration
 - (a) Project site
 - (b) Water sources
 - (c) Staging areas

- (d) Surrounding area
 - (e) Affected service area
 - 2. Impact Analysis
 - (a) Impacts Listed In The Appendix G Checklist Of The CEQA Guidelines
 - (b) Construction impacts
 - (c) Operation impacts
 - (d) Short term impacts
 - (e) Long-term impacts
 - (f) Indirect impacts (Speculation on the potential for impacts of other activities associated with, or resulting from construction or operation of the project)
 - 3. Initial Study Checklist Explanations For All Checklist Answers (Basis for determination)
 - 4. Significance Of The Impacts
 - (a) No impact
 - (b) Less than significant
 - (c) Less than significant with mitigation incorporated
 - (d) Potentially significant
 - (e) Significant and unavoidable
 - (1) Reasons Why The Project Is Being Proposed Notwithstanding Their Effect
 - (2) Proposed Statement of Overriding Considerations
- E. Cumulative Impacts: Effects of reasonably foreseeable projects or project phases in the area producing related or cumulative impacts including projects under the jurisdiction of other agencies
 - 1. Related Projects
 - 2. Similar Projects
 - 3. Projects With Similar Environmental Effects
- F. Growth Inducing Impacts
 - 1. Actions Potentially Resulting In Growth Inducement
 - (a) Increase in water distribution capacity
 - (b) Increase in water treatment capacity
 - (c) Increase in water supply
 - (d) New facilities
 - 2. Ways That The Proposed Project Could Encourage Or Accommodate Growth Directly Or Indirectly
 - (a) Economy (e.g., building facilities that will create favorable conditions to attract businesses)
 - (b) Population (e.g., increasing the supply of water available for population growth)

- (c) Housing (e.g., expanding the service area to allow for more housing construction)
- 3. Impacts (Secondary or indirect)
 - (a) Air pollution
 - (b) Water pollution
 - (c) Diminished resources
 - (d) Displacement of plants and animals
 - (e) Loss of open space
 - (f) Loss of agricultural land
 - (g) Transportation
 - (h) Public Services
- 4. Planned Growth: Ability of current planning to deal with growth by providing the necessary infrastructure and support facilities while attempting to minimize adverse effects on the environment

G. Mitigation Measures

- 1. Commitment
 - (a) Mitigated Negative Declaration: Mitigation measures agreed upon before the document is circulated for review in order to avoid significant impacts
 - (b) EIR: Commitment to mitigate a significant impact to “less than significant” in order to avoid a “Statement of Overriding Considerations” for the impact
- 2. Specificity
 - (a) Proposed future studies: Examples of mitigation measures that could be recommended from the studies
 - (b) Monitoring: Criteria that will trigger specific mitigation measures
 - (c) Preparation of plans (e.g., an erosion control plan): Specific examples of mitigation that the plan may include
 - (d) Compliance with regulations: Measures the regulations will provide to mitigate the identified impacts
- 3. Effects Of A Mitigation Measure: Significant environmental effects resulting from the implementation of a mitigation measure

PART IV. DOCUMENTATION FOR FEDERAL CROSSCUTTING REGULATIONS

The following “NEPA-like” documentation requirements for federal crosscutting regulations apply to all SDWSRF projects except those that will be using “non-equivalency” funding. This documentation is necessary to initiate the federal coordination process (Part II, Item 5), the cultural resources consultation process (Part II, Item 7), and the endangered species consultation process (Part II, Item 6).

- 1. National Historic Preservation Act: Development of an Area of Potential Effects (APE) map is a critical first step that requires SHPO/CRO consultation (Part II,

Item 7). The project's APE includes all construction areas, borrow pits, haul roads, staging areas, etc., as well as the "built environment" in close proximity to the construction area, which may be subject to indirect effects. Property that may be acquired for the proposed undertaking needs to be included in the APE. The APE is typically depicted on large-scale project plans, although aerial photographs are sometimes an effective "base map" alternative.

Background research for cultural resources begins with a records search at the Information Center(s) of the California Historical Resources Information System (CHRIS) which serve(s) the project area. A listing of the regional Information Centers (ICs) is available on the Internet at the following website address: <http://www.ohp.parks.ca.gov/>. The IC(s) will need a 7.5' USGS topographical map section with the APE clearly delineated, as well as a request letter that describes the proposed undertaking. It is important to obtain information about resources in the general project vicinity as well as within the APE. A records search "buffer zone" of 1/2 mile beyond the APE limits is usually sufficient for this purpose. As the Information Centers release complete, confidential site and survey information only to researchers registered with the Center, the applicant is encouraged to designate a qualified archaeologist (typically a consultant) to be the recipient of the records search results. The applicant's designated researcher should include copies of all materials received from the Information Center, as well as all correspondence, in the documentation submitted for review to the Division's CRO.

The dates of construction of all elements of the built environment in and adjacent to the APE should be determined during pre-field research. Buildings, structures (such as a bridge), objects (such as a decorative gateway to a community), and features (canals, railroad tracks, etc.), which are at least 50 years old, are potentially eligible for the National Register of Historic Places (NRHP) and must be evaluated against the NRHP criteria for inclusion. Numerous water conveyance systems and treatment plants in the state have buildings or other elements older than 50 years, and thus it may be necessary to evaluate the historic value of the plant or system itself. Local historians and historical societies should be contacted for input on the area's history.

Documentation of Native American consultation is required under Section 106. This includes a letter from the applicant or their consultant to the Native American Heritage Commission (NAHC) requesting a review of its Sacred Lands Inventory files. The office of the Native American Heritage Commission is 915 Capitol Avenue, Room 364, Sacramento, CA, 95814, and information is available at <http://ceres.ca.gov/nahc/default.html>. The applicant should also endeavor to make direct contact (e.g. letter followed by telephone call) with Native American representatives with interest in the project community. Native American consultation should include discussion of any potential project impacts to archaeological sites or traditional cultural places known to the Native American representative or the project archaeologist. The NAHC can recommend contacts

in the Native American community if the proponent is not acquainted with interested parties.

The applicant needs to submit documentation of a cultural resources field survey conducted by a qualified archaeologist throughout the APE. The survey report should conform to the outline provided in the California Office of Historic Preservation's 1990 publication, *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format*. A copy of the APE map depicting "area surveyed" and the boundaries of all known cultural resources relative to the project's impact area should be included in the survey report.

A Determination of Eligibility may be necessary for any cultural resource that cannot be avoided during project construction. Findings of Effect and mitigation proposals will follow, if a resource is determined to be NRHP-eligible and cannot be preserved through avoidance measures. The applicant's SDWSRF contract may include special provisions for protection of cultural resources in and adjacent to the APE.

The complexity of cultural resources studies for public works projects can vary widely, depending upon numerous factors. The applicant's proposed undertaking may satisfy Section 106 without including all the described elements. The nature of resources in the APE or the level of public interest may, on the other hand, add requirements not discussed here. The applicant is strongly encouraged to contact the Division's CRO at (916) 445-8780 early in the environmental planning stage for assistance in meeting Section 106 compliance requirements.

2. Federal Endangered Species Act: At its earliest convenience, the applicant should provide DHS with information regarding the project's effect on federally listed species. If the applicant determines that the project has no potential to affect a federally listed species, the applicant must provide DHS with the basis for that determination. Information on endangered species can be found at <http://endangered.fws.gov/>. If the project or immediately surrounding area contains natural vegetation or wildlife habitat, the environmental documentation must include a list of potentially occurring special status species as derived from the California Department of Fish and Game (DFG) Natural Diversity Database or as provided by FWS. A field survey should be conducted by qualified professionals using methodology approved by DFG or FWS if special status species could occur in the area. A copy of the field survey report must be included with the environmental documentation submitted to DHS. The documentation should include any mitigation measures proposed or agreed upon by the applicant. If there is a federally listed species that cannot be avoided, the applicant may need to prepare a Biological Assessment that conforms to federal regulations and guidelines. If the project involves a "take", the applicant will need to obtain "incidental take" authorization through the Section 7 process (Part II, Item 6). A "take" could be defined as a loss of individual plants or animals, loss

of habitat, harassment, or disruption of reproductive habits with respect to federally listed species.

3. Clean Air Act: If an SDWSRF equivalency project is located in a federally designated non-attainment or maintenance area for air quality, the applicant must provide DHS with the emission estimates (in tons per year) for the non-attainment priority pollutants associated with project construction and operation. If the estimated emissions are less than amounts determined to significantly affect air quality (*de minimis* thresholds), the project will be exempt from undergoing a conformity determination. The *de minimis* thresholds for specific non-attainment area classifications are provided in Table 2 below. The applicant can determine the attainment status and classification of the air basin in which their project is located by referring to EPA Region 9 air basin maps, which can be found on the Internet at the following website address:
http://www.epa.gov/region09/air/maps/maps_top.html.

Table 2
De Minimus Thresholds (Applicability Levels)

Pollutant	Applicability Level for Contamination level in Tons/Year By Non-attainment Area Classification			
	Extreme	Severe	Serious	Other
Ozone (NOx)	10	25	50	100
Ozone (VOC) outside an ozone transport region	10	25	50	100
Ozone (VOC) inside an ozone transport region	10	25	50	50
Carbon Monoxide	100	100	100	100
PM ¹⁰			70	100

4. Protection of Wetlands Executive Order: Applicants must provide DHS with a description of any potential wetlands on the project site, or a statement that no wetlands exist. If the applicant determines that no potential wetlands exist on the project site, the basis for this determination must be clearly documented (usually as part of the CEQA documentation) and submitted to DHS. If any portion of the proposed project area contains areas that could potentially be wetlands, the applicant should contact the U.S. Army Corps of Engineers (USACE) to evaluate the project site for wetland delineation. If the project site contains wetlands under USACE jurisdiction, potential project impacts such as removal of wetlands, filling of wetlands, or hydraulic interruption of wetlands will require that the applicant obtain permits under the Federal Clean Water Act. The California Regional Water Quality Control Board provides authorization under Section 401; Section 404 Permits are issued by the USACE.
5. Floodplain Management Executive Order: Applicants must provide DHS with a description of the project location with respect to streams and potential floodplains. Environmental documentation should show or describe any floodplain areas in the project area as depicted on maps provided by the Federal

Emergency Management Agency (FEMA) or other appropriate agency. The environmental documentation must address any construction on floodplains that could impede floodwaters or expose structures to significant impacts. FEMA notices may be required. Floodplain maps can be found on the Internet at the following website addresses: <http://www.esri.com/hazards/makemap.html> and <http://www.fema.gov/mit/tsd/>.

6. Farmland Protection Policy Act: The applicant must provide DHS with a description of the land use and zoning at the project site (usually in the CEQA document). The site must be evaluated to determine if any prime farmland, farmland of statewide significance, or unique farmland exists. Important Farmland Maps prepared under the Farmland Mapping and Monitoring Program are available from the California Department of Conservation (website address: <http://www.consrv.ca.gov/dlrp/FMMP/>). A Land Evaluation and Site Assessment (LESA) can be helpful in making the determination. If a LESA is prepared, it must be submitted to DHS. If important farmland does exist, the applicant must prepare a Farmland Impact Conversion Rating (FICR) and submit it to DHS. LESA and FICR forms can be found on the Internet at the following website address: <http://www.info.usda.gov/nrcs/fpcp/fppa.htm>.
7. Wild and Scenic Rivers Act: Environmental documentation should include a description of the watershed. If the project area is within the watershed of a Wild and Scenic River, the documentation should disclose the classification of the river and any potential for direct or indirect impacts to the river and watershed. A wild and scenic rivers list can be found on the Internet at the following website address: <http://www.nps.gov/rivers/wildriverslist.html#ca>.
8. Coastal Zone Management Act: The Environmental documentation should indicate whether or not the project is within coastal zone jurisdiction, discuss Coastal Commission permit requirements, and describe any incompatible activities within the Coastal zone. Information on the coastal zone is available at <http://www.coastal.ca.gov/>.

PART V. LIST OF ACRONYMS AND ABBREVIATIONS

1.	APE	Area of Potential Effects
2.	CCR	California Code of Regulations
3.	CEQA	California Environmental Quality Act
4.	CHRIS	California Historical Resources Information System
5.	CRO	DHS Cultural Resources Officer
6.	DFG	California Department of Fish and Game
7.	DHS	California Department of Health Services
8.	EIR	Environmental Impact Report
9.	EPA	U.S. Environmental Protection Agency
10.	ERU	Environmental Review Unit
11.	ESA	Federal Endangered Species Act
12.	FICR	Farmland Impact Conversion Rating
13.	FEMA	Federal Emergency Management Agency
14.	FWS	U.S. Fish and Wildlife Service
15.	IC	Information Center
16.	LESA	Land Evaluation and Site Assessment
17.	NAHC	Native American Heritage Commission
18.	NEPA	National Environmental Policy Act
19.	NHPA	National Historic Preservation Act
20.	NMFS	National Marine Fisheries Service
21.	NOAA	Notice of Application Acceptance
22.	NRHP	National Register of Historic Places
23.	SDWSRF	Safe Drinking Water State Revolving Fund
24.	SHPO	State Historic Preservation Officer
25.	USACE	U.S. Army Corps of Engineers
26.	USGS	U.S. Geological Survey